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S&Y-A FAX: (202) 722-0040SUBJECT: Amendment to Application No. 09/912,692COMMENTS: _____

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of Edward T. Buford, III

Serial No: 09/912,692

Group Art Unit:

Filed: 7/26/2001

Examiner: R. Chin

Commissioner of Patent and Trademarks
Washington, D.C. 20321

Sir:

RESPONSE TO OFFICE ACTION MAILED MARCH 14, 2008

This is in response to the Office Action mailed March 24, 2007 the communication dated August 28, 2007; the notice of noncompliance dated September 24, 2007; the notice mailed November 26, 2007 and the notice mailed March 14, 2008.. Applicant has removed the text from claims 1 through 16 and claim 18, as required by 37CFR 1.121 (c) (4) and made the changes as requested.

In the May 24, 2007 Office Action, the Examiner rejected claims 17 and 19 for obviousness based upon 35 U. S. C. 103 (a). For the record, it should be noted that the Examiner had previously allowed these claims. Specifically, the rejection was based upon the assertion that the referenced claims were unpatentable over Stewart 2,876,477 which teaches a brush having a groove or flute along its longitudinal axis, thus it is demonstrably similar to the grooved bristle described by applicant in his invention. The Examiner supports his rejection by reference to Figs. 3, 4, 5, 6 and 7 of Stewart.

Applicant begs to differ with the Examiner's rationale for the rejection. In particular, Applicant asserts that the groove of his invention is dissimilar to the physical characteristics of Stewart. Further, Stewart does not claim the functional attributes of

Applicant's groove with respect to his invention. Stewart does not make any reference in his specification or claims to the results achieved from the structural elements of the invention. Essentially, Stewart demonstrates a technique for efficient placement of the bristles in "tuft-receiving holes" such that the apices of the cross-section of the bristles are adjacent to each. The effect, if any, that such a placement will have on cleaning, particularly the ability of the apices of the bristles to act as cleaning devices is not mentioned or left to speculation.

Moreover, the arrangement of the bristles as described by Stewart virtually precludes the apices from having any cleaning function since the apices are adjacent to each other and not exposed. Further, unlike the bristle of Applicant's invention that has a single groove along the longitudinal axis and is designed so that the entire length of the bristle is a cleaning device, the polygonal shape of Stewart's bristles does not lend itself to a cleansing function. Consequently, applicant asserts that the differences between the Stewart bristle and the bristle of the invention are not merely functional.

However, Applicant has amended Claims 17 and 19 as suggested by the Examiner. The suggestions have been adopted because they accentuate the differences between Applicant's invention and Stewart, supra. Thus the description of the groove is such that it is clearly an indentation within the circumference and along the longitudinal axis of the bristle.

The status identifiers to claims 17 and 19 are changed to reflect the amendments to these claims. In Claims 17 at line 2 and 19 at line 3, the word --said -- is inserted before the words "substantially rigid bristles." In addition, in Claim 17 at the end of line 5 after the words "one groove along" and continuing on line 6 the words -- and within the

circumference of -- have been added. In line 11 after "said groove" the words --within its circumference -- are added.

Further, Claim 19, line 2, the phrase, "as claimed in Claim 17" is deleted and in line 7; the words "constant number of bristles" are deleted and the words -- at least ten bristles -- inserted in their place. On line 7, after the words "one spiral groove" the words -- within the circumference of -- before the words " the longitudinal axis." Line 12 between the words "said groove" and "said shaft" the word [on] is deleted and the words -- within the circumference -- inserted.

Accordingly, Applicant respectfully requests that the Examiner reconsiders and reexamines claims 17 and 19, as amended. These amendments were made with a view to overcoming the Examiner's rejection of the referenced claims. Applicant believes that the amendment to the claims is consistent with the Examiner's suggestions.

Applicant hereby submits new claims 20 and 21 for examination. The new claims are specifically written to include at least one spiral groove within the uniform diameter encompassing the longitudinal axis of the bristle.

In the Office Action dated August 28, 2007 Applicant was advised that claims 17 and 19 should be noted as "currently amended." Applicant has amended the Amendment to correct the designation of claims as required. In addition, the text of the canceled claims 1 - 16 and 18 is now omitted from the Amendment and all claims are listed in numerical order. Applicant believes that the Amendment is now in conformity with the rules.

This is also responsive to the communication of March 14, 2008 in which the Examiner noted that the word "spiral" was included in the text of Claim 19. The

inclusion of "spiral" was an error. Applicant has removed the word from the text of the Claim. In addition, as requested by the Examiner Application has reviewed Claims 17 and 19 and has revised them

Accordingly, the application will be amended as follows:

COMPLETE LISTING OF ALL CLAIMS

Claim 1. (Cancelled) through, Claim 16. (Cancelled).

Claim 17. (Currently Amended) A brush including a bristle having a substantially rigid shaft and a bristle receiving body portion having a plurality of said bristles having a substantially rigid [bristles] shaft disposed therein and wherein said body portion of said brush has a plurality of holes adapted for receiving said bristles and wherein said bristles are arranged in tufts of bristles wherein each tuft consists of at least ten bristles and wherein each of said bristles has at least one groove along and within the circumference of the longitudinal axis of said substantially rigid shaft of each of said bristles wherein the scrubbing action of said brush causes each of said bristles to bend, twist and rotate about its axis and to agitate liquid substances which are present in the area to be cleaned and wherein the bending, twisting and rotating of said bristles causes the tips of said bristles and said substantially rigid shafts of said bristles to act as cleaning surfaces and whereby said longitudinal axis having said groove within its circumference acts as an extended scraping device with respect to the surface to be cleaned.

Claim 18. (Cancelled)

Claim 19. (Currently Amended) A toothbrush including a bristle [as claimed in Claim 17] having a substantially rigid shaft and a bristle receiving head portion having a plurality of said bristles having a substantially rigid [bristles] shaft disposed therein and

wherein said head portion of said toothbrush has a plurality of holes adapted for receiving said bristles and wherein said bristles are arranged in tufts for insertion in said holes on said head portion of said toothbrush and wherein each tuft of said bristles on said head portion of said toothbrush consists of [a constant number of bristles] at least ten bristles and wherein each bristle of said tuft of bristles has at least one groove within the circumference of the longitudinal axis of said substantially rigid shaft of each of said bristles and wherein application of vertical and horizontal pressure in a back and forth scrubbing motion on the tip of the bristle causes the bristle to twist and bend and force saliva between the teeth and gums and wherein the twisting and bending of the shaft of said bristle increases the contacts between the shaft of the bristle and the surface of the teeth and gums so that said groove [on] within the circumference of said shaft of said bristle acts as an abrasive device to remove foreign particles lodged between and around the teeth and gums.

Claim 20. (New) A brush including a bristle having a substantially rigid shaft and at least one spiral groove within the uniform diametric area that encompasses the longitudinal axis of said shaft of said bristle and wherein said brush includes a bristle receiving body portion having a plurality of holes therein for receiving said bristles that are arranged in tufts of bristles wherein each tuft consists of at least ten bristles and wherein each of said bristles in said tufts has at least one spiral groove along the longitudinal axis of said shaft of each of said bristles wherein the scrubbing action of said brush causes each of said bristles to bend, twist and rotate about its axis and to agitate liquid substances which are present in the area to be cleaned and wherein the bending, twisting and rotating of said bristles causes the tips of said bristles and said shafts of said

bristles to act as cleaning surfaces and whereby said longitudinal axis including said spiral groove acts as an extended scraping device with respect to the surface to be cleaned.

Claim 21. (New) A toothbrush including a bristle having a substantially rigid shaft and a bristle receiving head portion having a plurality of said substantially rigid bristles disposed therein and wherein said head portion of said toothbrush has a plurality of holes adapted for receiving said bristles and wherein said bristles are arranged in tufts for insertion in said holes on said head portion of said toothbrush and wherein each tuft of said bristles on said head portion of said toothbrush consists of at least ten bristles and wherein each bristle of said tuft of bristles has at least one spiral groove within the uniform diametric area that encompasses the longitudinal axis of said substantially rigid shaft of each of said bristles and wherein application of vertical and horizontal pressure in a back and forth scrubbing motion on the tip of the bristle causes the bristle to twist and bend and force saliva between the teeth and gums and wherein the twisting and bending of the shaft of said bristle increases the contacts between the shaft of the bristle and the surface of the teeth and gums so that said spiral groove within the circumference of said shaft of said bristle acts as abrasive device to remove foreign particles lodged between and around the teeth and gums.